

---

## Appeal Decision

Site visit made on 13 June 2017

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 July 2017**

---

**Appeal Ref: APP/N5090/W/17/3172777**

**175 Edgwarebury Lane, Edgware, Middlesex HA8 8ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Brian Martin against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/7313/FUL, dated 15 October 2016, was refused by notice dated 16 January 2017.
  - The development proposed is the conversion of detached house to 3 self-contained flats including side extension at first floor and loft conversion.
- 

### Decision

1. The appeal is dismissed

### Main Issues

2. The main issues:
  - The effect of the proposed development on the character and appearance of the surrounding area.
  - The effect of the proposed development on the living conditions of the occupants of No 173 Edgwarebury Lane with particular regard to outlook and light.
  - Whether sufficient information has been provided to demonstrate that the site can accommodate sufficient off-street car parking spaces.

### Reasons

#### *Character and appearance*

3. The appeal property comprises a relatively large detached two storey dwelling located on a prominent corner plot at the junction of Edgwarebury Lane with Parkside Drive. The dwelling has a hipped roof with a prominent 'cat slide' roof on the flank elevation with No 173. Properties in the locality comprise of semi-detached and detached dwellings of a variety of design styles with parking spaces within the property curtilage.
  4. In order to facilitate the proposed conversion to three flats the development would involve the construction of first floor side and rear extensions, alterations and extensions to the roof including the conversion of the roof to a mansard style roof with two dormers on each of the sides and one at the rear.
-

Parking to the front of the property for four vehicles is proposed with access both from Edwarebury Lane and Parkside Drive.

5. I note that the Council suggest that the proposed design of the dormers would accord with the design principles as set out in the adopted Residential Design Guidance (2016). The design of the proposed roof would be radically different from the existing. However, given the variety in roof designs in the locality and the alterations made to the existing roofs of nearby properties to accommodate first floor extensions and dormers, the proposed roof would not appear so at odds with the character and appearance of other roofs to an extent that would warrant the dismissal of this appeal.
6. Edwarebury Lane is a long road that is separated in to two halves by the A41 road. The Council indicate that the southern half is characterised by a number of properties that have been converted to flats whilst the northern half, on which the appeal site is located, is predominantly comprised of low density family dwellings. The Council suggest that an analysis of planning and Council Tax records indicates that no more than five properties on the northern half have been converted to flats and that these are located close to the A41 junction, some distance from the appeal property.
7. My attention has been drawn to Chapter Two of Barnet's Local Plan Core Strategy (2012) (Core Strategy) which identifies that the conversion of existing dwellings into flats can have a cumulative effect that detracts from the character of established residential areas. This chapter identifies that the intensification of the use involves more increased car movements and parking, the need for considerable storage areas for refuse bins and increases in noise and disturbance associated with an increase in people movements. It concludes that conversions in roads characterised by unconverted houses will not normally be considered appropriate. Policy DM01 (h) of Barnet's Local Plan Development Management Policies (2012) (DMP) reflects the supporting text in the Core Strategy and states that the conversion of dwellings into flats on roads characterised by houses will not normally be appropriate.
8. It was clear at my site visit that the area in the vicinity of the appeal property is predominantly comprised of low density family dwellings, many of which retain frontages in garden use. Although, I have found that the proposed external modifications to the dwelling itself would not cause demonstrable harm to the character and appearance of the area, the proposed use would result in significant changes at the front of the property. The Council suggest that the space shown at the front of the property for bin storage would need to accommodate a minimum of nine bins. In addition a larger part of the front garden would need to be converted to parking and manoeuvring space.
9. Although many of the surrounding properties store their bins on the frontages, they do not have the number of bins likely to be required for the proposed development. Even if there was some sharing of communal bins, the storage of the bins on the frontage, together with the amount of car parking space required, would be unsightly resulting in a considerable loss of planted areas which would emphasise the intensive use of the property. As a consequence, the frontage of the property would have a considerably different appearance to those nearby which predominantly retain front garden areas with modest parking and bin storage arrangements. This would be to the detriment of the character and appearance of the surrounding area.

10. Taking the above factors into account, the proposed conversion of the dwelling into flats would cause demonstrable harm to the character and appearance of the surrounding area. As such, it would be contrary to Policy CS5 of the Core Strategy and Policy DM01 (h) of DMP. These policies, amongst other things, require development to respect the local character and that the conversion of dwellings into flats on roads characterised by houses will not normally be appropriate.
11. The Council has also referred to conflict with Policy CS NPPF and CS1 of the Core Strategy. However, these appear to be strategic policies and I have no evidence to indicate how the proposal would conflict with their provisions. Consequently, I have attached little weight to the provisions of these policies in the determination of this appeal.

*Living conditions*

12. The ground floor of the flank wall of the adjacent property at No 173 contains three south facing windows which the Council indicate serve habitable rooms. These face towards the side elevation of the appeal property. This elevation has a cat slide roof that extends over the ground floor to the ridge. Although the gap between the two properties is small, the design of this roof does permit an amount of sunlight and light penetration to the side windows of No 173.
13. The proposed development would result in the removal of the cat slide roof and its replacement with a first floor extension that would have a flank wall extending from that of the current ground floor wall. The siting of this extension in such close proximity would dominate the outlook from these windows and would substantially reduce the amount of daylight and sunlight reaching the accommodation. The scale and mass of the new flank wall sited close to, and to the south of, these windows would cause significant shading. It would also introduce an increased sense of enclosure in the outlook from these windows. As a consequence, the proposed extension would have an unacceptable effect on the living conditions of the occupants of No 173.
14. I therefore conclude that the loss of light and the overbearing outlook from the windows in the south elevation of No 173 would result in significant and unacceptable harm to the living conditions of the occupants of that property as a consequence of the proximity of the proposed first floor extension and the modifications to the roof. The proposal would therefore be contrary to Policy CS5 of the Core Strategy and Policy DM01 (e) of the DMP. These policies, amongst other things, require development to display the highest standards of design that allows for adequate daylight, sunlight, and outlook for adjoining occupiers.
15. The Council has also identified that the harm to the living conditions of the occupants of No 173 would be contrary to Policy CS5 of the Core Strategy and Policy DM02 of the DMP. These policies relate to the protection of the character of the Borough and to design standards. I have no evidence to indicate how the proposed development would conflict with the provisions of these policies and it seems to me that they have little relevance, if any, to the consideration of the impact of the proposed development on the living conditions of neighbouring occupants. Consequently, I have attached little weight to these policies in relation to this issue.

### *Car Parking*

16. The Council suggest that the proposed four car parking spaces would meet the number of spaces required for three flats, as set out in Policy DM17 of the DMP. However, the Council indicate that the proposed car parking arrangements do not show sufficient provision for vehicle manoeuvring, that the current crossovers are of inadequate width and that no provision is made for a dedicated cycle storage area. As a consequence, the proposed car parking space may be insufficient leading to pressure to park vehicles on-street to the detriment of highway safety and the free flow of traffic.
17. It is clear from the submitted plans and my observations at my site visit, when I saw that three cars were parked at the front of the property, that there is sufficient space to accommodate parking for up to four vehicles. Whilst I note the Council's concerns, the fact remains that the proposed development would meet the required parking provision as required by Policy DM17. In my view, there is adequate space to accommodate a satisfactory parking layout and make convenient provision for cycle storage within the curtilage of the site. These matters could be dealt with by means of a planning condition were I minded to allow the appeal.
18. I have no clear evidence to suggest that the proposal would not be able to accommodate the required parking provision. Nor do I have any clear evidence to indicate that any displaced car parking on to the relatively wide road would cause a significant highway safety problem. The proposal would be able to accommodate the required car parking spaces and as such there would be no conflict with Policy DM17 of the DMP which, amongst other things, requires development proposals to make adequate provision for car parking.
19. The Council has also suggested that the proposed car parking arrangements would be contrary to Policy CS5 of the Core Strategy and Policy DM01 of the DMP. However, I have again no evidence to indicate how such conflict would arise and I see little relevance in the provisions of these policies to car parking provision and its effect on highway safety. Consequently, I have attached little weight to these policies in relation to this issue.

### **Conclusion**

20. I acknowledge that the proposal would make a modest contribution to housing supply in the Borough and that an appropriate planning condition could be imposed, were I minded to allow the appeal, to secure an acceptable car parking layout. However, these matters do not outweigh the harm that I have found that would be caused to the character and appearance of the surrounding area and to the living conditions of the occupants of No 173. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Normington*

INSPECTOR